IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION

UNITED STAT	TES OF AMERICA,	
	Plaintiff,) CASE NO.: 1:21-CR-226-PAB-1
DAVIS LU,	V.) DECLARATION OF WARNER SCHEYER IN SUPPORT OF DEFENDANT LU'S MOTION FOR A NEW TRIAL
	Defendant.	

Warner Scheyer hereby declares as follows to the best of his knowledge and belief:

- I am a software professional with expertise in a variety of programming languages.
 I received a Bachelor of Science in Mechanical Engineering from the University of Washington in 1989, and have provided expert consulting services in a number of litigation matters.
- I worked as a consulting expert for Mr. Lu's defense team. In that role, I worked with Mr. Lu's defense team to review and analyze the voluminous discovery materials and craft defense strategy.
- 3. As far as I am aware, I was provided with all discovery materials received by the defense, including any discovery materials the defense received from the Government. I reviewed all of the discovery materials that were provided to me. I am therefore familiar with the contents of the discovery materials the defense received.
- Prior to trial, I do not recall seeing the documents that purportedly support Exhibits
 13A and 13B.
- 5. I understand that Mr. Lu retained attorneys from ArentFox Schiff LLP following his conviction.

6. Attorneys from ArentFox Schiff informed me that the Government identified four files basis **Exhibits** that purportedly formed the of 13A and 13B: (a) "DavisLu ExchangeEmail.ad1", (b) "DavisLu ExchangeEmail.ad1", (c) "DavisLu ExchangeEmail.ad2", and (d) "DavisLu ExchangeEmail.ad3".

7. At their request, I reviewed the discovery I received for these files. I conducted multiple reasonable, diligent searches for these specific files and cannot find them in my records. Furthermore, to date, I do not recall seeing the email notifications/alerts that purport to appear in Exhibit 13A or that form the basis of Exhibit 13B.

Warner Scheyer

Dated: May 12, 2025

Lynden, WA